

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

DIAZ-RODRIGUEZ, *et al.*,

**Plaintiffs**

**v.**

FIGUEROA-SANCHA, *et al.*,

**Defendants**

CIVIL NO. 12-1243 (JAG)

MEMORANDUM AND ORDER

GARCIA-GREGORY, D.J.

Pending before the Court are two motions to dismiss. (See Docket Nos. 29 and 30). One of them seeks dismissal of Plaintiffs' claims against those defendants named in the complaint, but not yet served. (Docket No. 30). Since Plaintiffs failed to oppose this motion, they have waived any objection to the same. See Rodriguez-Salgado v. Somoza-Colombani, No. 11-2159, 2013 WL 1403263, at \*3 (D.P.R. Mar. 1, 2013) (quoting NEPSK, Inc. v. Town of Houlton, 283 F.3d 1, 7 (1st Cir. 2002)). Therefore, Plaintiffs' claims against "Bill Fernandez, Sergeant Morales, Fernandez Company, Morales Company, Diaz-Lebron Company" are hereby dismissed without prejudice.

On the other hand, the Court finds that the complaint provides sufficient material to sustain the claims raised against the rest of the defendants in this case. Whether those

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claims will survive a properly supported motion for summary judgment is another matter. Therefore, Defendants' other motion to dismiss (Docket No. 29) is hereby denied.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 13th day of August, 2013.

s/Jay A. Garcia-Gregory  
JAY A. GARCIA-GREGORY  
United States District Judge